

IN THE CIRCUIT COURT OF MARSHALL COUNTY, MISSISSIPPI

SHMICHEAL CONLEY, as next of kin and next friend of
LEANDER WEBB., DECEASED, and on
Behalf of All Other Wrongful Death Beneficiaries

Plaintiffs

v.

Case Number *CV2022-151*

TIMOTHY M. SCOTT,
TFORCE FREIGHT, INC.,
UPS GROUND FREIGHT, INC.,
JOHN DOE PERSON(S) 1 - 10 and
JOHN DOE ENTITY(IES) 1 - 10

Defendants

COMPLAINT
(JURY TRIAL DEMANDED)

COMES NOW the Plaintiff, Shmicheal Conley, as next of kin and next friend of Deceased, Leander Webb., Deceased and on Behalf of All Other Wrongful Death Beneficiaries files this Complaint against the Defendants, Timothy M. Scott, Ups Ground Freight, Inc., John Doe Person(s) 1-10 and John Doe Entity(ies) 1-10, and in support thereof, would show unto this Honorable Court the following, to-wit:

I. Parties

1. Leander Webb., Deceased, was an adult resident citizen of Panola County, Mississippi, who resided at 2449 MT Vernon Rd, Como Mississippi, 38619.
2. Plaintiff, Shmicheal Conley, is an adult resident citizen of Coffee County, Tennessee, who resides at 101 Myra Lane, Tullahoma, TN 37388 and is the natural son of the deceased, who is also representing the heirs and other wrongful death beneficiaries, pursuant to Miss. Code Ann. § 11-7-13 the wrongful death statute of Mississippi for and on behalf of all wrongful death beneficiaries and for all other damages for which they may be entitled.
3. The Defendant, Timothy M. Scott, is an adult resident citizen of Shelby County,

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CIRCUIT CLERK, MARSHALL CO., MS
BY *[Signature]* D.C.

Tennessee who may be served with process at his place of residence, being 1762 Englehart St., Cordova Tennessee, 38016.

4. The Defendant, TForce Freight, Inc., is a domestic company, with its principal place of business in Richmond, VA, authorized to do and business within the State of Mississippi and may be served with process through its registered agent, CSC of Rankin County, Inc. Mirror Lake Plaza, 2829 Lakeland Drive, Suite 1502 Flowood, MS 39232.

5. The Defendant, UPS Ground Freight, Inc., is a domestic company, with its principal place of business in Richmond, VA, authorized to do and business within the State of Mississippi and may be served with process through its registered agent, CSC of Rankin County, Inc. Mirror Lake Plaza, 2829 Lakeland Drive, Suite 1502 Flowood, MS 39232.

6. John Doe Person(s) are any unknown persons who may have been responsible for or who may have contributed to the negligence alleged herein. They may be added as Defendants when their identities become known.

7. John Doe Entity(ies) are any unknown companies who may have been responsible for or who may have contributed to the negligence alleged herein. They may be added as Defendants when their identities become known.

II. Jurisdiction and Venue

8. That this cause of action occurred or accrued in Marshall County, Mississippi; and that jurisdiction and venue is proper in this Court.

III. Basic Facts Giving Rise to Claim for Relief

9. That on or about May 27, 2021, at or about 11:29 a.m. vehicular collision occurred in the east bound lane of Interstate 22 of Mississippi, in Marshall County, Mississippi. Deceased Leander Webb was traveling east bound on I-22 driving a red 2006 Freightliner Truck.

At All times, Leander Webb was operating his motor vehicle in a careful and prudent manner, having due regard of the safety of himself and for others using said interstate.

10. That on the same date and at the same time above mentioned, the Defendant, Timothy M. Scott, was operating a brown, 2019 Freightliner Truck Tractor, owned by Defendant Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc eastbound on Interstate 22 of Mississippi in Marshal County Mississippi, which was in the same lane of traffic in which the deceased Leander Webb was traveling, when suddenly, carelessly, negligently, and without warning, Defendant Timothy Scott crashed in the rear of the automobile occupied by Leander Webb.

11. As a result, and proximate result of said collision, Leander Webb suffered painful and serious bodily injuries and death as more fully hereinafter set forth.

IV. Negligence

COUNT I – NEGLIGENCE OF TIMOTHY M. SCOTT

12. Plaintiff hereby adopts by reference the allegations contained in paragraphs numbered 1 through 11 of this Complaint. The Plaintiff would show and allege that the Defendant Timothy Scott owed Plaintiff the following duties:

- (a) The duty to obey all traffic signs and signals;
- (b) The duty to maintain a proper lookout as an ordinary and prudent person would have kept for his or her safety and the safety of other persons under the conditions existing immediately before and at the time and place of said collision;
- (c) The duty to maintain proper control of his motor vehicle at all times and thus avoid injuring others or damaging their property;

- (d) The duty to have decreased his speed when approaching an traffic lane where the motor vehicles ahead have slowed or stopped;
- (e) The duty to have not operated his motor vehicle in a careless and reckless manner and under the conditions existing immediately before and at the time and place of said collision;
- (f) The duty to operate his motor vehicle in a careful, cautious and prudent manner under the conditions existing immediately before and at the time and place of said collision; and
- (g) The duty to have operated his motor vehicle under the circumstances in a manner in which his motor vehicle would not cause injury to others or damage their property

13. Defendant, Timothy M. Scott, failed to perform and violated or breached all and singularly the duties he owed Plaintiff as set forth in the preceding paragraphs hereof and such failure, violation and breach constituted negligence on the part of the Defendant, Timothy Scott, while driving the automobile.

COUNT II – GROSS NEGLIGENCE

14. Plaintiff hereby adopts by reference the allegations contained in paragraphs numbered 1 through 13 of this Complaint. Plaintiff charges Defendant with negligence in that Defendant breached the aforesaid duties by failing to obey the laws of the State of Mississippi and by grossly, recklessly and wantonly disregarding the applicable laws and rules of the road. Defendant's negligence was the direct and proximate cause of the aforesaid collision and the untimely death of Leander Webb.

8.

15. The actions, omissions and conduct of the Defendant Timothy Scott was done without just cause and reckless, wanton, conscious and knowing disregard of Plaintiff's rights and personal safety. Defendant was grossly negligent in engaging in the aforesaid acts, omissions and conduct.

COUNT III – VICARIOUS LIABILITY

16. Plaintiff hereby adopts by reference the allegations contained in paragraphs numbered 1 through 15 of this Complaint. At all times relevant herein, Defendant, Timothy M. Scott, was an employee and agent of the Defendant, Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc., and was acting within the course and scope of his employment with the Defendant Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc.

17. Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc. owned the 2019 Freightliner Truck Tractor at issue in their ordinary course of business and Timothy M. Scott operated the truck in that capacity, on Defendant's behalf and in furtherance of their interests.

18. The operation of the 2019 Freightliner Truck Tractor, due its size and complicated operation, is inherently dangerous and can only be operated by the exercise of special skill and care, which imposes grave risk of serious harm and injuries if it is unskillfully, carelessly or recklessly operated.

19. The actions of Timothy M. Scott on the date in question are therefore imputed to Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc.

20. As such Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc, is responsible for the negligent and tortious acts of Timothy M. Scott, pursuant to the doctrine of *respondeat superior* and other applicable law.

**COUNT IV – NEGLIGENT HIRING OF TFORCE FREIGHT, INC., ALSO KNOWN AS
DEFENDANT UPS GROUND FREIGHT, INC**

21. Plaintiff hereby adopts by reference the allegations contained in paragraphs numbered 1 through 20 of this Complaint. Tforce Freight, Inc., also known as Defendant UPS Ground Freight, Inc. had a duty to have adequate policies and procedures in place to ensure it hires trained, qualified and competent drivers, employees, staff, agents and contractors to carry out the services it offers.

22. Wright Transportation, Inc. failed in its duty and was negligent when it chose not to have in place and/or chose not to follow proper policies and procedures, resulting in hiring of drivers, employees, staff, agents and/or contractors that were not qualified and competent to perform the duties that they were assigned to perform.

V. Wrongful Death Damages

23. As a result of the untimely death of Leander Webb, certain survivors are designated by law to recover for his wrongful death.

24. For the wrongful death of Leander Webb and as a direct and proximate result of the negligence of the Defendants, the Plaintiff and wrongful death survivors and beneficiaries are entitled to recover:

- (a) Pain and suffering;
- (b) Fright and shock;

- (c) Wrongful Death;
- (d) Loss of enjoyment of life, past, present and future;
- (e) Loss of Consortium, past, present and future;
- (f) Loss of pecuniary benefits, past, present and future;
- (g) Funeral expenses;
- (h) Damages pursuant to the Wrongful Death Act for his heirs at law, and for all of the harms and losses suffered by these individuals and provided for by Mississippi Law, including, but not limited to, their loss of support, services, companionship, consortium and mental anguish,;
- (i) Hospital bills, doctor bills, prescription drug bills and other medical and medical-related expenses which have been incurred and which will continue to be incurred in the future;
- (j) Exemplary and/or punitive damages; and
- (k) All damages of every kind of the decedent as mandated and allowable under Miss. Code. Anno. §11-7-13(2018).

VI. Punitive or Exemplary Damages

25. Plaintiff hereby adopts by reference the allegations contained in numbered paragraphs 1 through 24 of this Complaint.

26. The acts of negligence of the Defendants as aforesaid, were so gross and wanton under the circumstances so as to evidence a complete disregard of the safety and lives of others, including Leander Webb., and were such as to amount to willfulness on the part of said Defendants. As a result thereof, exemplary or punitive damages should be assessed against the

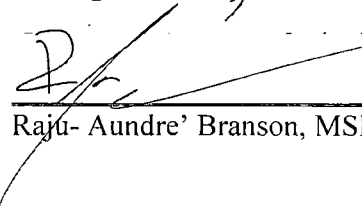
Defendants in addition to actual and/or compensatory damages.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a judgment of, from and against the Defendants in an amount within the jurisdictional limits of this Court to be determined at the trial of this cause plus interest from the date of the filing of the original Complaint and all costs of court.

RESPECTFULLY SUBMITTED this the 24th day of May, 2022.

**SHMICHEAL CONLEY, as next of kin
and next friend of LEANDER WEBB.,
DECEASED, and on Behalf of All Other
Wrongful Death Beneficiaries**

By:


Raju- Aundre' Branson, MSB# 99950

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